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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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12 RICK GRAY,

13 Petitioner,

14 v.

15 RAUL LOPEZ, Warden,

16 Respondent.
17

Case No. CV 10-3896-ODW (LAL)

**ORDER ACCEPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE AND DENYING
CERTIFICATE OF APPEALABILITY**

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20 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the Magistrate Judge's
21 Final Report and Recommendation, Petitioner's Objections to the Report and Recommendation,
22 and the remaining record, and has made a *de novo* determination.

23 Petitioner's Objections generally lack merit for the reasons set forth in the Final Report
24 and Recommendation.

25 Accordingly, IT IS ORDERED THAT:

- 26 1. The Final Report and Recommendation is approved and accepted;
27 2. Judgment by entered denying the Petition and dismissing this action with
28 prejudice; and

1 3. The Clerk serve copies of this Order on the parties.

2 Additionally, for the reasons stated in the Final Report and Recommendation, the Court
3 finds that Petitioner has not made a substantial showing of the denial of a constitutional right.¹
4 Thus, the Court declines to issue a certificate of appealability.

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7 DATED: June 2, 2015

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HONORABLE OTIS D. WRIGHT
UNITED STATES DISTRICT JUDGE

¹ See 28 U.S.C. § 2253; Fed. R. App. P. 22(b); Miller-El v. Cockrell, 537 U.S. 322, 336, 123 S. Ct. 1029, 154 L. Ed. 2d 931 (2003).